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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,741	11/03/2004	Toshiro Miyazaki	2004-1092A	4568

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WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER
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LEE, JOHN W

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/501,741

Applicant(s)

MIYAZAKI, TOSHIRO

Examiner

John Wahnkyo Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____.  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20040719, 20050912, and 20060323.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Initialed and dated copies of Applicant's IDS form 1449, Paper No. 20040719, 20050912, and 20060323, are attached to the instant Office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's Guide") in view of Park (US 5,231,490).

Regarding claim 1, KODAK DC 280 is a zoom digital camera that can take pictures having resolution up to 2.3 millions pixels that are 1901X1212 (chapter "DC280 Specification") and are larger than TV formats such as NTSC and PAL that have 648X486 and 768X576 resolution. The KODAK DC280 also has a video output that can be connected to a TV by converting the images taken by the KODAK DC280 camera to the NTSC or PAL format (chapter "Camera Identification"; chapter "DC280 Specification"). The last claim limitation of claim 1, "an enlargement processing means for ...", invokes 112 6<sup>th</sup> paragraph means plus function by meeting the 3-prong analysis

and corresponding to the image sizing circuit from the applicant's specification. It is well known of the ordinary skill in the art that digital zoom of the camera specifies the camera can crop a portion of the image and then enlarges it back to the size. Because the KODAK DC280 has a 3X digital zoom function (chapter "DC280 Specification"), the KODAK DC280 has the equivalent process as the enlargement processing means of the applicant. However, KODAK DC280 does not have the process of adjusting the vertical and horizontal line count of the photographed image to the vertical and horizontal line count of the television format, but Park discloses an apparatus for converting aspect ratio and number of scanning lines of a video signal of the HDTV video image that has ratio of 16 to 9 and scanning lines above 1050 into a NTSC standard TV format having aspect ratio of 3 to 4 and scanning lines 525 (col. 1, lines 7-20).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus in KODAK DC 280 to suit for converting more than two modes such as a zoom-up mode and a wide mode as suggested by Park (col. 1, lines 62-65).

Regarding claim 5, KODAK DC 280 is a zoom digital camera that can take pictures having resolution up to 2.3 millions pixels that are 1901X1212 (chapter "DC280 Specification") and are larger than TV formats such as NTSC and PAL that have 648X486 and 768X576 resolution. The KODAK DC280 also has a video output that can be connected to a TV by converting the images taken by the KODAK DC280 camera to

the NTSC or PAL format (chapter "Camera Identification"; chapter "DC280 Specification"). It is well known of the ordinary skill in the art that digital zoom of the camera specifies the camera can crop a portion of the image and then enlarges it back to the size. Because the KODAK DC280 has a 3X digital zoom function (chapter "DC280 Specification"), the KODAK DC280 has the equivalent process as the enlargement processing of the cropped image. However, KODAK DC280 does not have the process of adjusting the vertical and horizontal line count of the photographed image to the vertical and horizontal line count of the television format, but Park discloses an apparatus for converting aspect ratio and number of scanning lines of a video signal of the HDTV video image that has ratio of 16 to 9 and scanning lines above 1050 into a NTSC standard TV format having aspect ratio of 3 to 4 and scanning lines 525 (col. 1, lines 7-20).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus in KODAK DC 280 to suit for converting more than two modes such as a zoom-up mode and a wide mode as suggested by Park (col. 1, lines 62-65).

4. Claims 2-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's Guide") in view of Park (US 5,231,490), and further in view of Imaizumi et al. (US 6,236,389)

Regarding claims 2 and 3, KODAK DC/280 and Park disclose all the features in claim 1 besides the detail claim limitations of claims 2 and 3. However, Imaizumi

discloses an image editing apparatus that a trimming frame (fig. 5(b)-TF) is changed according to the movement of the cursor (fig. 5-CU) by the operator and displayed as a square shape with the point P1 (fig. 5) and the cursor position as diagonal points (fig. 5, col. 6, lines 55-63). The claim limitation, "a cropping area determining means for ...", meets the 3-prong analysis and corresponds to the image trimming circuit from the applicant's specification. The trimming mode of Imaizumi's invention can move the trimming frame and can change the display shape in accordance with cursor and the position of the frame for the image editing region (abstract; fig. 6). Therefore, the trimming mode of Imaizumi's invention will be equivalent to the image trimming circuit of the applicant.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus and Imaizumi's apparatus in KODAK DC 280 to accurately and quickly designate and image editing region and to improve operability of an image editing process as suggested by Imaizumi (col. 2, lines 50-58).

Regarding claims 6 and 7, KODAK DC/280 and Park disclose all the features in claim 5 besides the detail claim limitations of claims 6 and 7. However, Imaizumi discloses an image editing apparatus that a trimming frame (fig. 5(b)-TF) is changed according to the movement of the cursor (fig. 5-CU) by the operator and displayed as a square shape with the point P1 (fig. 5) and the cursor position as diagonal points (fig. 5, col. 6, lines 55-63). The trimming mode of Imaizumi's invention can move the trimming

frame and can change the display shape in accordance with cursor and the position of the frame for the image editing region (abstract; fig. 6).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus and Imaizumi's apparatus in KODAK DC 280 to accurately and quickly designate and image editing region and to improve operability of an image editing process as suggested by Imaizumi (col. 2, lines 50-58).

5. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's Guide") in view of Park (US 5,231,490), and further in view of Takahashi (2003/0133034).

Regarding claim 4, KODAK DC/280 and Park disclose all the features in claim 1 besides the detail claim limitations of claim 4. However, Takahashi discloses image pickup device for performing adjustment of an optical system in accordance with a plurality of television system such as NTSC or PAL (page 1, paragraph [0002]). Takahashi's invention uses a CCD provided in a HTDV camera as an image pickup device (fig. 1-25; page 2, paragraph [0045]), a HDTV-NTSC down-converter (fig. 2) as a system conversion circuit (fig. 1-27) to convert the aspect ratio and the scan line number (page 3, paragraphs [0066]-[0068]), and a dynamic image compression technique (fig. 5page 5, paragraphs [0098]-[0102]). The claim limitation, "a switching means for ...", meets the 3-prong analysis and corresponds to the selector switch from the applicant's specification. Takahashi discloses a compression circuit (fig. 1-29) that



has a plurality of modes (page 3, paragraph [0070]) and a system controller system (fig. 1-28) that controls the selected mode to be output as it is from the image pick-up mode selection circuit (page 3, paragraph [0067]), which makes equivalent to the selector switch of the applicant.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus and Takahashi's apparatus in KODAK DC 280 to provide and perform an adjustment suitably with a simple structure and to prevent inconvenience as suggested by Takahashi (page 1, paragraphs [0014] and [0015]).

Regarding claim 8, KODAK DC/280 and Park disclose all the features in claim 5 besides the detail claim limitations of claim 8. However, Takahashi discloses image pickup device for performing adjustment of an optical system in accordance with a plurality of television system such as NTSC or PAL (page 1, paragraph [0002]). Takahashi's invention uses a CCD provided in a HTDV camera as an image pickup device (fig. 1-25; page 2, paragraph [0045]), a HDTV-NTSC down-converter (fig. 2) as a system conversion circuit (fig. 1-27) to convert the aspect ratio and the scan line number (page 3, paragraphs [0066]-[0068]), and a dynamic image compression technique (fig. 5page 5, paragraphs [0098]-[0102]). Moreover, Takahashi discloses a compression circuit (fig. 1-29) that has a plurality of modes (page 3, paragraph [0070]) and a system controller system (fig. 1-28) that controls the selected mode to be output as it is from the image pick-up mode selection circuit (page 3, paragraph [0067]).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus and Takahashi's apparatus in KODAK DC 280 to provide and perform an adjustment suitably with a simple structure and to prevent inconvenience as suggested by Takahashi (page 1, paragraphs [0014] and [0015]).

### ***Conclusion***

6. No claims are allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Art Unit: 2624

Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lee  
(Art unit 2624)



JINGGE WU  
SUPERVISORY PATENT EXAMINER